19. Twenty First Annual Reports and Accounts of the Karnataka Ware housing Corporation for the year 1978-79.

Under section 31(11) of the Ware housing Corporation Act, 1962

MR. SPEAKER: Papers laid.—

PRESENTATION OF REPORTS

1. SRI S. R. BOMMAI (Chairman Public Accounts Committee).—Sir, I beg to present:

(a) First Report of the Public Accounts Committee on the Appropriation Accounts and Finance Accounts and Audit Report (Civil) for the years 1973-74 and 1974-75.

(b) Second Report of the Public Accounts Committee on the Audit Report (Revenue Receipts) for the years 1973-74 and 1974-75.

MR. SPEAKER.—Reports are presented.

2. D. T. RAMU.—Sir, on behalf of Sri Gatti Chandrashekhar (Chairman) Estimates Committee, I beg to lay the First Report of the Committee on Estimates on Karnataka Compost Development Corporation.

MR. SPEAKER.—The Report is presented.

Notice of Adjournment Motion

Dissolution of Assemablies

SRI S. R, BOMMAI.—Sir, I have given a notice under Rule 50 of the Rules of Procedure.

Subject : Dissolution of nine State Assemblies.

The Notice reads thus :

"Notice under Rule 50 of the Rules of Procedure.

The recent decision of the Union Government to dissolve 9 State Assemblies in an arbitrary manner without any justifiable grounds, but inspired purely by political motives to suit the Ruling Party at the Centre, has dealt a severe blow to the Federal Constitution whichis a basic and in violable feature of our Constitution and has put an end to the autonomy of the States and the rights and privileges of the State Legislatures and State Government, in a wholly unconstitutional manner. The repeated statements of the Honourable Chief Minister of Karnataka and other leaders

of the Ruling Party at the Centre and the State threatening the dissolution of the Karnataka State Assembly also on the basis of the decision of the Union Government to dissolve 9 State Assemblies threatens the very continuance and functioning of the Karnataka Legislature.

Therefore, we give notice that this House be adjourned to discuss the above urgent and definite subject matter of public importance."

Sir, the country was shocked by the decision of the Union Government to dissolve nine State Assemblies, immediately after the General Elections to the Lok Sabha and put an end to the functioning of the legally constituted Assemblies in States. The Presidential Proclamation under Article 356 of the Constitution of India reads as follows :

"In pursuance of sub-clause (1) of clause (c) of the proclamation issued on 17th February, 1980 by me under Article 356 of the Constitution of India, I hereby direct that all the functions of the Government and all the powers vested in or exercisable by the Governor of State under the Constitution or any law in force in the State which has been assumed by the President by virtue of clause-(a) of the said Proclamation, shall subject to the superintendance, direction and control of the President be exercisable also by the Governor of the State."

MR. SPEAKER.—Don't go to details. You can make a preliminary submission.

SRI S. R. BOMMAI.—Sir, I am making a preliminary submission only.

MR. SPEAKER.—Please be brief.

SRI S. R. BOMMAI.—Sir, how it is a matter of recent occurence, how it is an urgent matter and how it is of great public importance-I am making my submission only in regard to these 3 ingredients. I am trying to convince the Chair on these three grounds. Firstly, this Proclamation is issued under Article 356. It is a decision of the Union Government, I am very much aware, whether the decicion of the Union Government can be discussed by this Legislature or not. It is of the utmost importance that we should all bear in mind that this is a country of multi-languages, multi-religions and different cultures and it has been well said that there is unity in diversity, so far as this country is concerned. Constitutionally speaking, we have got a federal structure and this decision directly affects the

rights, privileges, the functioning of the hon. members here and also the Legislature including the Government. Sir, how it is relevant would be very clear, if we read Article 172. It reads thus :

> "172. (I)-Every Legislative Assembly of every State, unless sooner dissolved shall continue for six years from the date appointed for its first meeting and no longer and and the expiration of the said period of six years shall operate as a dissolution of the Assembly."

MR. SPEAKER.—How is the Karnataka State Government responsible in this matter?

SRI S. R. BOMMAI.—I am coming to that. Let the Hon. Chief Minister have the patience to here the issue.

SRI R. GUNDU RAO —This is all unnecessary.

SRI S. R. BOMMAI.—Sir, I strongly object to this. It is not unnecessary. Sir, do you mean to say that I have come here to waste the time of the House? If he has no patience to here, I cannot help it.

SRI R. GUNDU RAO.—I am sorry. I am aware of the situation. It is not a matter of public importance and it is not a matter coming within the perview of the State. It is the action taken by the Central Government and the President has dissolved these Assemblies. In what way are we concerned with it? If you want to say anything, you can say. You did the same thing in 1977.

SRI D. DEVARAJ URS (Leader of the Opposition).—This is a Constitutional issue and as you are aware. this issue has been discussed in several other Assemblies. The Hon. Chief Minister's submission that we are not concerned with it because there is no direct involvement of this House may not be proper. It is a general matter of public importance. The Constitutional matter which is involved there is of general importance, and therefore, there are precedence where this very subject has been discussed. It may not look proper nor will it look beyond the Constitutional provision or the Rules of Procedure, if this matter is taken up for discussion, may be in the form in which the hon. Member has sent or may be in some-other form. Therefore, to say straight-away that we are not concerned, may not look proper.

SRI R. GUNDU RAO.—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ರೂಲ್ ೫೦ ಬಹಳ ಸ್ಪಷ್ಟವಾಗಿ ಇದೆ. Rule 50 is very clear. It reads as follows :

> "Subject to the provisions of these rules, a motion for an adjournment of the business of the Assembly for the

purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker."

But, it is not a matter of public importance.

SRI B. V. KAKKILAYA.—This is a most important matter.

SRI A. LAKSHMI SAGAR.—If this is not a matter of public importance, then no other matter can be a matter of public importance.

SRI R. GUNDU RAO.—I know the importance of this matter. ೧೯೭೭ರಲ್ಲಿ ತಾವು ಮಾಡಿದ್ದರಲ್ಲ ಅದನ್ನೇ ಹೇಳುತ್ತಿದ್ದೇನೆ. ರಾಜ್ಯಾಂಗದ ೨೫೦ನೇ ವಿಧಿ ಪ್ರಕಾರ ಶಾಸನ ಸಭೆಗಳನ್ನು ಕೇಂದ್ರ ಸರ್ಕಾರ ಸೃಜನೆ ಮಾಡಿದೆ. ಚುನಾವಣೆ ಮಾಡುವ ವಿಚಾರ ಕೂಡ ಹೇಳಿದ್ದಾರೆ. ಈ ಸದನದಲ್ಲಿ ಕೂತುಕೊಂಡು ಚರ್ಚೆ ಮಾಡತಕ್ಕ ವಿಷಯ ಅಲ್ಲ. ಈ ವಿಷಯವನ್ನು ಪಾರ್ಲಿಮೆಂಟಿನಲ್ಲಿ ಚರ್ಚೆ ಮಾಡುತ್ತಾರೆ, ಇದು ಸಾರ್ವಜನಿಕ ದೃಷ್ಟಿಯಿಂದ ಮಹತ್ವವಾದದ್ದೇನೂ ಅಲ್ಲ. ನಮ್ಮ ರಾಜ್ಯಕ್ಕೂ ಸಂಬಂಧಪಟ್ಟದಲ್ಲ. ಆದರ ಮೇಲೆ ತಮಗೆ ಬಿಟ್ಟಿದೆ.

ಶ್ರೀ ಎಸ್. ಆರ್. ಬೊಮ್ಮಾಯಿ.— ಮಾನ್ಯ ಪಂಚಮಂತ್ರಿಗಳು ನಾವು ಹೇಳುವುದನ್ನು ಸಾವಧಾನವಾಗಿ ಕೇಳಬೇಕು. ಒಂದೇ ಒಂದು ವಿಷಯವನ್ನು ತಮ್ಮಲ್ಲಿ ಅರಿಕೆ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ. I was telling about how it is relevant and how this House is concerned and whether we have got competence to discuss this matter. So, on those points, I was elaborating. I was referring to Article 172 regarding the Constitution of State Assemblies and the period prescribed etc., Now, I would like to refer to Chapter XI—Relations between the Union and the States. The relevant Articles read as follows :

"Chapter I— Legislative Relations — Distribution of Legislative Powers-

245. Extent of laws made by Parliament and by the Legislatures of States—

(1) Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India and the Legislature of a State may make laws for the whole or any part of the State.

(2) No law made by Parliament shall be deemed to be invalid on the ground that it would have extraterritorial operation.

246. Subject-matter of laws made by Parliament and by the Legislatures of States :

246 (1) Notwithstanding anything in clauses (2) and (3) Parliament has exclusive power to make laws with respect to any of the masters enumerated in the Seventh Schedule....."

So, the VIIth Schedule has been given. There is a Union List, State List and the Concurrent List. Sir, the farmers of our

Constitution particularly the great leader Dr. Ambedkar visualise the federal structure for this country and gave us a Federal Constitution. The Central Government cannot exercise its power and authority in an arbitrary manner which will put an end to the autonomy of the States. This is the cardinal principle or the spirit of the Constitution given by Dr. Ambedkar. Therefore, the decision of the Union Government in arbitrarily dissolving the Assemblies affects the rights of the State Legislatures and the State Governments. Article 356 empowers for such a proclamation. I will read the relevant portion.

Article 355 reads thus :

> "It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the Government of every State is carried on in accordance with the provisions of this Constitution."

Article 356 says as follows :

> "(1) if the President on receipt of a report from the Governor of a State or otherwise is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may by Proclamation... ....."

The most important wording is "The President must be satisfied" and the Hon. Chief Minister was perfectly right when he quoted that the Janatha Government has also dissolved 9 Assemblies. That matter was taken to the Supreme Court and the Supreme Court has also rightly observed.....

SRI R. GUNDU RAO.—It is only a side talk.

SRI S. R. BOMMAI .— The Supreme Court has also observed that a discretion or a satisfaction of the President is justifiable and can be gone into by the Courts and at the same time, the Supreme Court has also observed that it is a political decision. I will not go into the details at this stage. My only point at this stage would be this: Because of the federal structure, because of the exercise of the powers by the President on the advice of the Union Government under Article 356, whether they have been rightly exercised in a a democratic and Constitutional manner. This is My only point.

2-00 P. M.

I would say how it affects us. I am not going into the details. The Non Cong-I Assemblies have been dissolved and on the same principle any other Assembly can be dissolved. That way we are affected.

SRI M. VEERAPPA MOILY .— What is the responsibility of this Government in this regard ?

SRI S. R. BOMMAI .— A doubt arises that Union Government might exercise power arbitrarily and dissolve any Assembly. No. doubt, the Hon'ble Chief Minister has given an assurance that this Assembly will not be dissolved. I am not going into that now. But the same action can be taken in the case of other States.

SRI M. VEERAPPA MOILY .— Now the cat is out of the bag. He anticipates certain thing which, he thinks, may happen in the State. He cannot anticipate matters and raise them here.

SRI A. LAKSHMI SAGAR .—We are referring to peripheral matters in regard to this Adjournment Motion, that is now sought to be moved.

SRI M. VEERAPPA MOILY .— The subject to be discussed is very clear before the House. I do not think it needs further elucidation. He has spoken about the autonomy of the State It is a very general subject. ಇವೊತ್ತು ವಿಧಾನ ಸಭೆಯು ಕಾರ್ಯಕಲಾಪಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಸಾಕಷ್ಟು ಬಿಸಿನೆಸ್ ಇದೆ. ನಮ್ಮ ರಾಜ್ಯದ ಒಂದು ಅಭ್ಯುದಯದ ವಿಚಾರದಲ್ಲಿ ಮತ್ತು ರಾಜ್ಯದ ಅಪಕೃತಿಯ ವಿಚಾರದಲ್ಲಿ ಸಾಕಷ್ಟು ಬಿಸಿನೆಸ್ ಇದೆ. ಈ ಮಧ್ಯೆ ಅರ್ಜಂಟ್ ಇಂಪಾರ್ಟೆನ್ಸ್ ಎಂದು ಹೇಳಿ ಕೆಲವು ರಾಜ್ಯಗಳಲ್ಲಿ ವಿಧಾನ ಸಭೆಗಳನ್ನು ವಿಸರ್ಜನೆ ಮಾಡಿರುವುದನ್ನು ಹೇಳಿದರೆ ಹೇಗೆ ? ನಮ್ಮ ಸರ್ಕಾರ ಏನು ಆಲ್ಲಿಗೆ ರೆಕಮೆಂಡ್ ಮಾಡಿ ವಿಸರ್ಜನೆಯಾಗಿಲ್ಲ. Suppose he wants to drive a wedge he can do it You cannot call it absolutely federal system The verdict of the people is known to the country. ದೇಶದ ಫೆಡರಲ್ ಸಿಸ್ಟಂ ರೂಪುರೇಷೆಗಳ ಮೇಲೆ ವ್ಯಾಖ್ಯಾನ ಮಾಡುವುದು ಇದ್ದರೆ ಸೆಪರೇಟ್ ಸಬ್ಜಕ್ಟ್ ತಂದು ಅದರ ಮೇಲೆ ಮಾತನಾಡಬಹುದು. ಈಗ ಅಂತಹ ಅರ್ಜನ್ಸಿ ಏನಿದೆ. ಈ ರಾಜ್ಯದ ಅಸೆಂಬ್ಲಿ ವಿಸರ್ಜನೆ ಮಾದಬಹುದು ಅನ್ನುವ ಒಂದು ಭಯ ಇದೆ. ಅದನ್ನು ವ್ಯಕ್ತಪಡಿಸುತ್ತಿದ್ದೀರಿ.

SRI S. R. BOMMAI .— I have not finished my point.

ಶ್ರೀ ಎಂ.ವೀರಪ್ಪ ಮೊಯಿಲಿ.—ಈಗಲೂಹೇಳಿದ್ದೇವೆ ಮಾಡಿಕೊಂಡು,ರಾಜ್ಯ ವಿಧಾನಸಭೆ ವಿಸರ್ಜನೆ ಬಗ್ಗೆ ತರ್ಕ ಮಾಡುವಂತಹ ಕಾಲ ಅಲ್ಲ.ಇದನ್ನು ಬೇರೆಯಾವುದೇ ರೀತಿಯಿಂದ ತರುವುದು ಇದ್ದರೆ ಸ್ವಾಗತ ಮಾಡುತ್ತೇನೆ. ಸಾಕಷ್ಟು ವ್ಯಾಖ್ಯಾನ ಮಾಡೋಣ. ರೂಲ್ ಬೆರಲ್ಲಿ ಇದನ್ನು ತಂದು ಈ ಸಭೆಯು ಕಾರ್ಯಕಲಾಪವನ್ನು ಏತಕ್ಕೆ ತಪ್ಪಿಡಿಯಬೇಕು. ಇವೊತ್ತಿಗೆ ಇದು ಸಾಕು.

MR. SPEAKER .— No more discussions on this. I will give an opportunity to the Chief Minister.

SRI S. R. BOMMAI .— I would like to know whether the suggestion made by the Hon. Leader of the Opposition that this Adjournment Motion be converted into a motion under Rule 146 and taken up for discussion is agreeable to them. If that is agreed to, I will not speak. A fixed time may be allotted. Then we can say what all we want and let the Hon. Minister reply. That will be in a disciplined manner. If it is agreeable, I will not press for this adjournment

motion. I have got a number of things to say. Any time may be fixed, say for two hours so that we can discuss and we will go to the regular business.

ಶ್ರೀ ಎಂ. ವೀರಪ್ಪ ಮೊಯಿಲಿ .— ರೂಲ್ ೫೮ರಲ್ಲಿ ಮಾತನಾಡಲಿಕ್ಕೆ ಬರುವುದಿಲ್ಲ. ೧೪೬ರಲ್ಲಿ ಡಿಸ್‌ಕಸ್ ಮಾಡಲಿಕ್ಕೆ ತರಬಹುದು. ಮಧ್ಯಾಹ್ನ ಮೂರುವರೆ ಗಂಟೆಗೆ ಬಿಸಿನೆಸ್ ಅಡ್ವೈಸರಿ ಕಮಿಟಿ ಸೇರುತ್ತದೆ ಆಗ ಡಿಸ್‌ಕಸ್ ಮಾಡೋಣ. ಇಲ್ಲಿಗೆ ಈ ವಿಚಾರ ಬಿಡುವುದು ಒಳ್ಳೆಯದು.

SRI DEVARAJ URS .— I think that is the suggestion made by the Hon. Minister for Finance, if the Treasury Benches are going by that suggestion, we have no o jection. I am sending a resolution under Rule 146. Time, day and other things can be discussed and some allotment of time be made when the Business Advisory Committee meets.

SRI R. GUNDU RAO .— I have no objection. The matter can be discussed in the Business Advisory Committee. But still I say why there should be unnecessary discussion here because it is not the business of our State : it is not the business of this House. Why should we unnecessarily talk ? It is out of the purview of the State Legislature. Anyway we will discuss the matter in the Business Advisory Committee.

MR. SPEAKER .— We will go to the next subject.

Matters under Rule 312

re :— *Scarcity of essential Commodities and rise in Prices.*

ಶ್ರೀ ಎಸ್. ಎಸ್. ಅರಕೇರಿ(ಬಳ್ಳೊಳ್ಳಿ).—ಸನ್ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ನಾನು ರೂಲ್ ೩೧೨ರ ಪ್ರಕಾರ ಈ ವಿಚಾರವನ್ನು ರಾಜ್ಯದ ಮುಖ್ಯಮಂತ್ರಿಗಳವರ ಗಮನಕ್ಕೆ ತಮ್ಮ ಮುಖೇನ ತರುತ್ತಿದ್ದೇನೆ. ಇವೊತ್ತು ರಾಜ್ಯದಲ್ಲಿ ಜನರ ನಿತ್ಯಬಳಕೆಯ ವಸ್ತುಗಳಾದಂಥ ಸೀಮೆಎಣ್ಣೆ, ಸಕ್ಕರೆ, ಸಿಮೆಂಟ್ ಇಲ್ಲದೆ ರೈತರ ಸಲುವಾಗಿ ಬೇಕಾದಂಥ ಡೀಸಲ್ ಬೆಲೆಗಳು, ಜೀವನಾವಶ್ಯಕ ವಸ್ತುಗಳ ಬೆಲೆ ದಿನೇ ದಿನೇ ಏರುತ್ತಿವೆ. ಕಳೆದ ಐದಾರು ತಿಂಗಳುಗಳಿಂದಲೂ ಬೆಲೆಗಳ ಏರುಮುಖ ಚಾಸ್ತಿಯಾಗುತ್ತಿದೆ. ಮುಖ್ಯವಾಗಿ ಹೇಳುವುದಾದರೆ ಗ್ರಾಮಾಂತರ ಪ್ರದೇಶಗಳಲ್ಲಿ ಒಂದು ಕೆ. ಜಿ. ಸಕ್ಕರೆಯನ್ನು ಏಳು ಎಂಟು ರೂಪಾಯಿ ಕೊಟ್ಟು ಬ್ಲಾಕ್‌ನಲ್ಲಿ ತರಬೇಕಾಗಿದೆ. ಗ್ರಾಮಾಂತರ ಪ್ರದೇಶಗಳ ಸೊಸೈಟಿಗೆ ಕೂಡ ತಕ್ಕಂತಹ ಸಕ್ಕರೆ ಸೊಸೈಟಿಗೆ ಹೋದ ಕೂಡಲೇ ಮಾಯವಾಗುತ್ತದೆ. ಸೀಮೆಎಣ್ಣೆ ಹಳ್ಳಿಗಳ ಕಡೆಗಳಲ್ಲಿ ಅಡುಗೆ ಬಳಕೆಗೆ ಸಿಕ್ಕದಿದ್ದರೂ ಅವರು ರಾತ್ರಿ ವೇಳೆ ದೀಪಕ್ಕೆ ಉಪಯೋಗಿಸಲಿಕ್ಕೆ ಬೇಕಾಗುತ್ತದೆ. ಈಗ ಸೀಮೆಎಣ್ಣೆ ಅಭಾವ ಅಂಥ ಬಾಯಲ್ಲಿ ಹೇಳುತ್ತಿರುತ್ತಾರೆ. ಆದರೆ ಒಂದು ಲೀಟರ್ ಎಣ್ಣೆಗೆ ನಾಲ್ಕೈದು ರೂಪಾಯಿ ಕೊಟ್ಟರೆ ಸಿಕ್ಕುತ್ತದೆ. ಗ್ರಾಮಾಂತರ ಪ್ರದೇಶಗಳಲ್ಲಿ ಸೀಮೆಎಣ್ಣೆ, ಸಕ್ಕರೆ ಇವುಗಳ ಬಗ್ಗೆ ಒಂದು ದೊಡ್ಡ ಸಮಸ್ಯೆಯಾಗಿದೆ. ಇದರಿಂದ ಜನತೆಯಲ್ಲಿ ಹಾಹಾಕಾರ ನಿರ್ಮಾಣವಾಗಿದೆ. ರೈತರ ಗೋಳು ಹೇಳಲಿಕ್ಕೆ ಆಗುವುದಿಲ್ಲ. ಡೀಸಲ್ ಸಿಕ್ಕದೆ ಪಂಪ್‌ಸೆಟ್ಟುಗಳನ್ನು ಹಾಗೆ ನಿಲ್ಲಿಸಿರುವುದರಿಂದ ಬೆಳೆಗಳ ಅಭಿವೃದ್ಧಿಗೆ ತೊಂದರೆಯಾಗಿದೆ ಇದರ ಬಗ್ಗೆ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳವರ ಕಡೆ ಹೋದರೆ ಸರಿಯಾಗಿ ಲೈಸೆನ್ಸ್ ಕೊಡುವುದಿಲ್ಲ. ಡೀಸಲ್ ಸಪ್ಲೈ ಇಲ್ಲ ಅಂತ ಹೇಳುತ್ತಾರೆ.

ಇನ್ನು ಸಿಮೆಂಟ್ ಬಗ್ಗೆ ಹೇಳುವುದಾದರೆ, ಕಂಟ್ರೋಲ್ ರೇಟ್ ೨೫—೨೬ ರೂ. ಇದ್ದರೆ ಹೊರಗಡೆ ಅಂದರೆ ಬ್ಲಾಕ್‌ನಲ್ಲಿ ೬೦-೭೦ ರೂಪಾಯಿಗಳಿಗೆ ಮಾರಾಟಮಾಡುತ್ತಿದ್ದಾರೆ.